

REMARKS/ARGUMENTS**1. Objection of the drawings:**

The feature “pixel electrode” originally recited in claims 3 and 11 has been cancelled, and therefore this objection to the drawings no longer exists.

2. Rejection of claims 1-4, 6-8, 9-12 and 14-16 under 35 U.S.C. 103(a) as being unpatentable over Kodate (US 5,748,266) in view of Rho et al. (US 6,862,050):**Claim 1:**

Claim 1 has been amended to overcome this rejection. Specifically, the limitations “the upper substrate having a plurality of color filters, and black matrices disposed between adjacent color filters” and “each photo spacer corresponding to one of the black matrices and one of the common electrode pads on the lower substrate” have been added to claim 1. These limitations find support in paragraph [0020] and in Fig.4, for instance, and no new matter is introduced.

Kodate teaches forming a plurality of spacers 78 positioned on the upper substrate as the Examiner has pointed out, however, Kodate fails to teach that the each spacer is corresponding to the black matrix disposed between adjacent color filters. On the other hand, the photo spacers are disposed on the upper substrate, and each photo spacer is corresponding to the black matrix disposed between adjacent color filters. Therefore, the photo spacers do not influence the aperture ratio of the LCD. The applicant asserts that this limitation is patentably distinct from Kodate’s teaching, and therefore claim 1 should be allowed. Reconsideration of claim 1 is politely requested.

Claim 3:

Claim 3 now includes the limitation "the lower substrate further comprises an alignment film having a plurality of openings disposed on the common electrodes, and the dimension of each photo spacer plus the dimension of the conductive material layer covering the photo spacer substantially equal the dimension of each opening so that the alignment film is in contact with the conductive material layer". As to Kodate's teaching, the opening of the alignment film is larger so that the conductive material layer is not in contact with the alignment film as illustrated in Kodate's Fig.8. Therefore, claim 3 is patentably distinct from Kodate's teaching, and should be allowed. Reconsideration of claim 3 is politely requested.

Claims 2, 4, 6-8:

Claims 2, 4, and 6-8 are dependent on claim 1, and should be allowed if claim 1 is found allowable. Reconsideration of claims 2, 4, and 6-8 is politely requested.

Claim 9:

Claim 9 has been amended to overcome this rejection. Specifically, the limitations "the upper substrate comprising a plurality of color filters, and black matrices disposed between adjacent color filters" and "each of the photo spacers corresponds to one of the black matrices and one of the common electrode pads of the lower substrate;" have been added to claim 9. These limitations find support in paragraph [0020] and in Fig.4, for instance, and no new matter is introduced.

Reconsideration of claim 9 is respectfully requested in view of the

above argument.

Claims 10-12, 14-16:

Claims 10-12 and 14-16 are dependent on claim 9, and should be allowed if claim 9 is found allowable. Reconsideration of claims 10-12 and 14-16 is politely requested.

3. Rejection of claims 5 and 13 under 35 U.S.C. 103(a) as being unpatentable over Kodate (US 5,748,266) in view of Rho et al. (US 6,862,050) and further in view of Miyazaki et al (US publication No. 2002/0171800:

Claim 5:

Claim 5 is dependent on claim 1, and should be allowed if claim 1 is found allowable. Reconsideration of claim 5 is requested.

Claim 13:

Claim 13 is dependent on claim 9, and should be allowed if claim 9 is found allowable. Reconsideration of claim 13 is requested.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Sincerely yours,

Winston Hsu

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Note: Please leave a message in my voice mail if you need to talk to me. (The time in D.C. is 13 hours behind the Taiwan time, i.e. 9 AM in D.C. = 10 PM in Taiwan.)